IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.3201 OF 2004

Mr.Nitin Deshpande for the Petitioner.

Ms.Seema Sarnaik for the Respondent.

Office Notes, Office Memoranda of Coram, appearances, Court's order or directions	Court's or Judge's orders

CORAM: D.K.DESHMUKH, J.

DATED: 27TH APRIL,2005

P.C.:

Admittedly, issues have not yet been framed. Therefore, really speaking an application for trying an issue as a preliminary issue was premature. In any case, the Court has found that the issue that the Petitioner wants to be tried as preliminary issue is not an issue of law and therefore, in view of the provisions of Order 14 Rule 2(2) of CPC, the Court has rightly rejected the application. I do not find any patent error of law in the order. Petition is, therefore, rejected.

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